

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3019
)	
v.)	
)	
ELIZABETH A. VANCE,)	MEMORANDUM AND ORDER
)	
Defendant.)	

The defendant has moved to continue her change of plea hearing, currently scheduled for July 27, 2010. Filing No. 42. Defense counsel explains the defendant remains housed at the CCA Leavenworth Detention Facility, and defense counsel has not had an opportunity to travel to Leavenworth, Kansas to meet with the defendant, review the proposed Plea Agreement, and complete the Petition to Enter Plea of Guilty.

In addition to the facts set forth in the defendant's motion, the Marshal has informed the undersigned magistrate judge that the defendant is still receiving radiation treatments at CCA Leavenworth; her prescribed treatment will not be complete until mid-August, at the earliest; and after the treatment is complete, the defendant will need additional follow up medical care for a period of time to monitor her recovery from the effects of her radiation therapy.

Under the circumstances known to the court, along with those set forth in the defendant's motion, the court finds the defendant's motion to continue her change of plea hearing should be granted.

Accordingly,

IT IS ORDERED:

- 1) The defendant's motion to continue her change of plea hearing, (filing no. 42), is granted.
- 2) The defendant change of plea hearing is continued to September 1, 2010 at 2:00 p.m.
- 3) The ends of justice served by granting defendant's request to change the plea hearing outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and the anticipated plea of guilty, shall be deemed excluded in any computation of time under the requirements of the Speedy Trial Act, for the reason that the defendant is still receiving medical care, and the defendant and her counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7).

DATED this 22nd day of July, 2010 .

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge